

Attorney Docket No. 49481 (70551)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE.

APPLICANT:

M. HATANAKA et al.

EXAMINER:

P. Natividad

U.S.S.N.:

09/471,829

ART UNIT:

2877

FILED:

December 23, 1999

TITLE:

THICKNESS MEASUREMENT APPARATUS OF THIN FILM USING

LIGHT INTERFERENCE METHOD

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 22, 2003.

By:

Donna R. Davis

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, applicant(s) hereby submit(s) an Information Disclosure Statement for consideration by the Examiner.

I. <u>LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION</u>

The patents, publications or other information submitted for consideration by the Office are listed on PTO-1449, attached hereto. The citation of this information by Applicant(s) is not necessarily an admission that the information (1) qualifies as prior art by virtue of its date of publication/availability, or that (2) the information is relevant to the patentability of this application.

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a. X
Submitted herewith is a legible copy of (i) each U.S and foreign patent; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed.
b. This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior application Serial No. _______, filed on ______.

The following references were submitted to, and/or cited by, the Office in the prior application (s) and, therefore, are not required to be provided in this application.

III. CONCISE EXPLANATION OF THE RELEVANCE

a. X Except as may be indicated below in (b), all of the patents, publications or other information are in the English language or were cited in an English language Search Report, a copy of which is attached hereto (concise explanation not required).

b. X A concise explanation of the relevance of all patents, publications or other information listed that is not in the English language is as follows:

An English language translation is provided for a Japanese office action that was mailed on November 25, 2003 and that was issued in connection with Japanese counterpart application H11-195925. The Japanese office action is identified as "CA" on the enclosed Form PTO-1449.

An English language abstract is attached for two of the references (identified as "BA" and "BB" on enclosed Form PTO-1449) that were cited in the November 25, 2003 Japanese office action. The English language abstract for the "BA" reference indicates the "Purpose" and "Constitution," and the English language abstract for the "BB" reference indicates the "Problem to the Solved" and the "Solution."

c. X The following additional information is provided for the Examiner's consideration:

The November 25, 2003 office action also cites Japanese Patent Application No. 61-165608; however, that application was previously made of record in Applicant's September 30, 2003 Information Disclosure Statement.

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FEES

IV.	THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(b)						
	a	within three months of the filing date of a national application (37 C.F.R. § 1.97(b) (1]. No fee or certification is required.					
	b	within three months of the date of entry of the national stage as set forth in §1.491 in an international application (37 C.F.R. § 1.97(b) (2). No fee or certification is required.					
	c	Before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b) (3)). No fee or certification is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the certification under 37 C.F.R. § 1.97(e) below, or, if no certification has been made, charge our deposit account a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).					
V.	THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(c):						
	before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c) (1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c) (2)).						
	a	No certification; therefore, a fee in the amount of \$180.00 is required by 37 C.F.R. §1.17(p).					
	b. <u>X</u>	See the certification below. No fee is required.					
VI.	STATEMENT UNDER 37 C.F.R. § 1.97(e) (check only one box)						
The undersigned hereby states that							
	a. <u>X</u>	each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or					

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b	no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.
C	Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned certifies that each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.
	Please charge Deposit Account No. 04-1105 in the amount of \$180.00 for the above-indicated fee. A triplicate copy of this paper is attached.
X	No fee is required.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule, with a petition if necessary, and charge the appropriate fee to Deposit Account No. 04-1105.

Respectfully submitted, By:

Richard J. Roos, Esq.

Reg. No.: 45,053

Attorney for Applicant(s)

EDWARDS & ANGELL, LLP P. O. Box 9169

Date: December 22, 2003

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FORM PTO-0449 INFORMATION DISCLOSURE STATEMENT				DOCK	ET NO.:	SERIA	SERIAL NO.:		
				70551-49481		09/47	09/471,829		
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EXAM. INITIALS		DOCUMENT NUMBER	DATE	NAME		CLASS	SUB		
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-		DOCUMENT NUMBER	FOREIGN		COUNTRY	CLASS	SUB- CLASS	TRANSLATION YES/NO	
· ·	ВА	63-44106	25.02.	1988	JAPAN	G01B	11/06	Yes (Abstract)	
	BB	11-160030	18.06.	1999	JAPAN	G01B	11/06	Yes (Abstract)	
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